

**1. UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CHINYERE OGBONNA-MCGRUDER,)
)
Plaintiff,) **No. 3:21-cv-00506**
)
v.) **Judge Eli J. Richardson**
) **Magistrate Judge Barbara D. Holmes**
AUSTIN PEAY STATE UNIVERSITY)
TUCKER BROWN, and MARSHA) **JURY DEMAND**
LYLE-GONGA,)
)
Defendants.)

MOTION FOR SUMMARY JUDGMENT

Defendant Austin Peay State University (“APSU”), by and through the Office of the Tennessee Attorney General and Reporter, moves this Honorable Court to dismiss this case pursuant to Rule 56 of the Federal Rules of Civil Procedure. Based on the evidence in the record, summary judgment is appropriate because Plaintiff cannot establish a *prima facie* case of race discrimination because she did not suffer any adverse employment actions and failed to demonstrate that she was treated less favorably than similarly situated individuals outside the protected class. Plaintiff cannot establish a *prima facie* case of retaliation because she cannot establish that she was subject to any action based on conduct protected by Title VII. Further, APSU had legitimate, nondiscriminatory and nonretaliatory reasons for its actions regarding Plaintiff’s employment, and Plaintiff has not offered evidence of pretext.

A Memorandum of Law, Statement of Undisputed Material Facts, and a Notice of Filing with documents from the record are filed contemporaneously.

Respectfully submitted,

**JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER**

s/ Toni-Ann M. Dolan

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Filing was filed electronically and served through the ECF system on this 17th day of May, 2022 to:

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Parties may access this filing through the Court's electronic filing system.

s/ Toni-Ann M. Dolan
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